

Representative Kera Birkeland proposes the following substitute bill:

**PARENTAL RIGHTS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kera Birkeland**

Senate Sponsor: Luz Escamilla

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**LONG TITLE**

**General Description:**

This bill addresses the voluntary relinquishment of parental rights.

**Highlighted Provisions:**

This bill:

► clarifies the requirements and procedure for an individual to consent to the termination of parental rights or voluntarily relinquish parental rights.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**80-4-307**, as last amended by Laws of Utah 2022, Chapter 274

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **80-4-307** is amended to read:

**80-4-307. Voluntary relinquishment -- Irrevocable.**

(1) The individual consenting to termination of parental rights or voluntarily



26 relinquishing parental rights shall sign ~~[or confirm]~~ the consent or relinquishment, or confirm a  
27 consent or relinquishment previously signed by the individual, under oath before:

28 (a) a judge of any court that has jurisdiction over proceedings for termination of  
29 parental rights in this state or any other state, or a public officer appointed by that court for the  
30 purpose of taking consents or relinquishments; or

31 (b) except as provided in Subsection (2), any person authorized to take consents or  
32 relinquishments under Subsections [78B-6-124](#)(1) and (2).

33 (2) Only the juvenile court is authorized to take consents or relinquishments from a  
34 parent who has any child who is in the custody of a state agency or who has a child who is  
35 otherwise under the jurisdiction of the juvenile court.

36 (3) (a) The court, appointed officer, or other authorized person shall certify to the best  
37 of that person's information and belief that the individual executing the consent or  
38 relinquishment, or confirming a consent or relinquishment previously signed by the individual,  
39 has read and understands the consent or relinquishment and has signed the consent or  
40 relinquishment freely and voluntarily.

41 (b) A consent or relinquishment is not effective until the consent or relinquishment is  
42 certified pursuant to Subsection (3)(a).

43 (4) ~~[A voluntary relinquishment or consent for termination of parental rights is~~  
44 ~~effective when the voluntary relinquishment or consent is signed and may not be revoked.]~~ A  
45 consent or relinquishment that has been certified pursuant to Subsection (3)(a) is effective  
46 against the consenting or relinquishing individual and may not be revoked.

47 (5) (a) The requirements and processes described in Section [80-4-104](#), Sections  
48 [80-4-301](#) through [80-4-304](#), and Part 2, Petition for Termination of Parental Rights, do not  
49 apply to a voluntary relinquishment or consent for termination of parental rights.

50 (b) When determining voluntary relinquishment or consent for termination of parental  
51 rights, the juvenile court need only find that the relinquishment or termination is in the child's  
52 best interest.

53 (6) (a) There is a presumption that voluntary relinquishment or consent for termination  
54 of parental rights is not in the child's best interest where it appears to the juvenile court that the  
55 primary purpose for relinquishment or consent for termination is to avoid a financial support  
56 obligation.

57 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile  
58 court finds the relinquishment or consent to termination of parental rights will facilitate the  
59 establishment of stability and permanency for the child.

60 (7) Upon granting a voluntary relinquishment the juvenile court may make orders  
61 relating to the child's care and welfare that the juvenile court considers to be in the child's best  
62 interest.

63 Section 2. **Effective date.**

64 This bill takes effect on May 1, 2024.